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09/927,106	08/10/2001	Brian Coleman	80301-1850	3879

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EXAMINER

PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 10/15/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/927,106

Applicant(s)

COLEMAN ET AL.

Examiner

CARL D. PRICE

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 8, line 18 is blurred. Since the text of this line cannot be read, the sentence beginning in line 17 and ending in line 19 is incomplete. This sentence is as follows: "It is preferable that the leg ... (blurred missing text appears here) ... fueled by a fuel source 46, such as a 1-pound LP tank."

Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

*The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).*

**Claim 24 : rejected under 35 U.S.C. 102(b)**

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Haffcke (U.S. Patent No.- 541534)

Haffcke discloses a portable grill apparatus comprising: an enclosure means (A,G) for enclosing a defined space (A') therein; a heating means for heating (B) the defined space with the enclosure means, the heating means being disposed within the enclosure means; a base means (A4) arranged and configured to receive and support the enclosure means thereon; the heating means comprising: a burner means (B) for burning a fuel; a fuel receiving means (not referenced) for delivering fuel from a fuel supply to the burner means, the fuel receiving means

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being connected to the burner means; and a cooking surface (D',d4) with a drain (D,d',d3) disposed above the heating means and having an angular disposition relative to the enclosure means for directing liquid matter from foods cooked on the grill apparatus to a drain (d3). The drain empties into a grease trap (E).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

**Claims 1-8,12,14,15,22, 23: rejected under 35 U.S.C. 103(a)**

Claims 1-8,12,14,15,22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (U.S. Patent No.- Re. 32,754) in view of Elliott (U.S. Patent No.- 5065734).

Hahn (U.S. Patent No.- Re. 32,754) discloses a portable grill apparatus comprising: a grill having a hinged hood (32) and a firebox (30) having at least one cooking surface (40) thereon; a burner (34) assembly being disposed in the grill, the burner assembly being capable of heating an interior portion of the grill; and an pivotal adjustable leg assembly (84) extending from the firebox. The Hahn hood is hingedly connected to the firebox such that the hood pivots about the hinged connection when the hood is removed from the firebox . Hahn however does not show or disclose the pivotal adjustable legs connecting a frame being arranged and configured to substantially correspond to the grill and to receive and support the grill and which releasably engages and support the grill, by way of fasteners.

Elliott teaches, form the same portable cooking grill field of endeavor as Hahn, pivotal adjustable legs (31) connected to a frame (32,38) being arranged and configured to substantially correspond to a grill (11) and to receive and support the grill and which releasably engages and support the grill, by way of fasteners (13).

In regard to claims 1-8,12,14,15,22 and 23, for the same purpose of providing a suitable alternative transportable stand structure for the portable grill, it would have been obvious to a person having ordinary skill in the art to modify the legs of Hahn to be pivotally connected to a frame being arranged and configured to substantially correspond to a grill and to receive and support the grill and which releasably engages and support the grill, by way of fasteners, in view of the teaching of a Elliott. In regard to claim 7, Official Notice is taken that it is well known, in

general, to use locking latches to releasably fasten, during transport, lids to containers (e.g. – hinged tool box lids), and it is well known to use locking latches to secure grill hoods to fireboxes. Thus, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to provide Hahn with a locking latch disposed on the grill and releasably fastening the hood and the fireboxes together. Also, in regard to claim 14, Official Notice is taken that it is well known to provide grills with substantially planar support surfaces removably fixed to the firebox and extending outwardly from the grill. Therefore, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to modify the firebox of Hahn to include a removable side shelf. And, in regard to claim 23, Official Notice is taken that it is well known to provide cooking apparatus (e.g. – gas fired cooking ranges) automatic igniter being arranged and configured to ignite fuel in the gas burner when the automatic igniter is activated by a user. Therefore, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to modify the firebox of Hahn to include an automatic igniter. In addition, Official Notice is taken that it is well known to provide a level indicators on ground supported apparatus, for the purpose of establishing whether or not the apparatus is level to the ground. Therefore, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to modify the firebox of Hahn to include a level indicator to aide in determining the orientation of the grill relative to the ground. In regard to claim 22, Hahn alone discloses a gas burner arranged and configured to receive fuel for burning, the gas burner extending along a length of the grill and being disposed in the firebox; a fuel connector, the fuel connector (50) being in communication with the gas burner and extending outwardly from the grill, wherein the outwardly extending

portion is arranged and configured to receive a fuel source; wherein the gas burner assembly is fully enclosed by the firebox and a cooking surface. In regard to claim 4, Official Notice is taken that it is well known to apply springs to hinges for the purpose of aiding in either opening or closing of a member. Therefore, in view of that which is well known, for the purpose of aiding a user in opening the grill cover, it would have been obvious to a person having ordinary skill in the art to apply a spring to the cover hinge in Hahn. Similarly, in regard to claim 6, Official Notice is taken that it is well known to use leveling block (e.g. – shims under table legs) for the purpose of correcting the spatial orientation of a given apparatus. Thus, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to place leveling blocks under the legs of Hahn to place the grill in a desired, level, orientation relative to a support surface.

**Claims 9-13 are rejected under 35 U.S.C. 103(a)**

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (U.S. Patent No.- Re. 32,754) in view of Elliott (U.S. Patent No.- 5065734), as applied to claim 1 above, and further in view of Haffcke.

Hahn (U.S. Patent No.- Re. 32,754) discloses a portable grill apparatus comprising: a grill having a hinged hood (32) and a firebox (30) having at least one cooking surface (40) thereon; a burner (34) assembly being disposed in the grill, the burner assembly being capable of heating an interior portion of the grill; and an pivotal adjustable leg assembly (84) extending from the firebox. The Hahn hood is hingedly connected to the firebox such that the hood pivots about the



hinged connection when the hood is removed from the firebox . Hahn however does not show or disclose the corrugated cooking surface having a low point, being angled relative to a first plane and including a grease drain hole.

Elliott teaches, form the same portable cooking grill field of endeavor as Hahn, pivotal adjustable legs (31) connected to a frame (32,38) being arranged and configured to substantially correspond to a grill (11) and to receive and support the grill and which releasably engages and support the grill, by way of fasteners (13).

Haffcke discloses a portable grill apparatus comprising: an enclosure means (A,G) for enclosing a defined space (A') therein; a heating means for heating (B) the defined space with the enclosure means, the heating means being disposed within the enclosure means; a base means (A4) arranged and configured to receive and support the enclosure means thereon; the heating means comprising: a burner means (B) for burning a fuel; a fuel receiving means (not referenced) for delivering fuel from a fuel supply to the burner means, the fuel receiving means being connected to the burner means; and a cooking surface (D',d4) with a drain (D,d',d3) disposed above the heating means and having an angular disposition relative to the enclosure means for directing liquid matter from foods cooked on the grill apparatus to a drain (d3). The drain empties into a grease trap (E). In regard to claim 9-13, for he purpose of directing grease drippings away from the heat source, it would have been obvious to a person having ordinary skill in the art to modify Hahn to include a corrugated cooking surface having a low point, being angled relative to a first plane and including a grease drain hole. In regard to claim 12, Official

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Notice is taken that it is well known to provide a level indicators on ground supported apparatus, for the purpose of establishing whether or not the apparatus is level to the ground. Therefore, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to modify the firebox of Hahn to include a level indicator to aide in determining the orientation of the grill relative to the ground.

**Claims 16-21: rejected under 35 U.S.C. 103(a)**

Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (U.S. Patent No.- Re. 32,754) in view of Elliott (U.S. Patent No.- 5065734), as applied to claim 1 above, and further in view of Fautz.

Hahn (U.S. Patent No.- Re. 32,754) discloses a portable grill apparatus comprising: a grill having a hinged hood (32) and a firebox (30) having at least one cooking surface (40) thereon; a burner (34) assembly being disposed in the grill, the burner assembly being capable of heating an interior portion of the grill; and an pivotal adjustable leg assembly (84) extending from the firebox. The Hahn hood is hingedly connected to the firebox such that the hood pivots about the hinged connection when the hood is removed from the firebox. Hahn however does not show or disclose the corrugated cooking surface having a low point, being angled relative to a first plane and including a grease drain hole.

Elliott teaches, form the same portable cooking grill field of endeavor as Hahn, pivotal adjustable legs (31) connected to a frame (32,38) being arranged and configured to substantially

correspond to a grill (11) and to receive and support the grill and which releasably engages and support the grill, by way of fasteners (13).

Fautz discloses a portable grill apparatus comprising: an enclosure means (11) for enclosing a defined space therein; an elongated burner heating means (24) space with the enclosure means; a fuel receiving means (34,35) communicating with a venture supported on a venture wall support (14,32), and an angled cooking surface (17) with a drain hole (30). A heat shield (80) extends along and below the burner element. Heat shields (23,80) extend along and around the burner element.

In regard to claims 16-21, for the purpose of protecting the grill lower wall, for distributing and directing heat from the burner in a manner suitable for cooking, and to reduce flaring and smoke from grease drippings, it would have been obvious to a person having ordinary skill in the art to modify the burner of Hahn to include an elongated burner, a venture supported on a venture wall support and an angled cooking surface with a drain hole wherein heat shields extend along, below and around the burner element.

**Claim 25: rejected under 35 U.S.C. 103(a)**

Claim 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haffcke in view of Lotter and Strader et al.

Haffcke discloses a portable grill apparatus comprising: an enclosure means (A,G) for enclosing a defined space (A') therein; a heating means for heating (B) the defined space with the enclosure means, the heating means being disposed within the enclosure means; a base means (A4) arranged and configured to receive and support the enclosure means thereon; the heating means comprising: a burner means (B) for burning a fuel; a fuel receiving means (not referenced) for delivering fuel from a fuel supply to the burner means, the fuel receiving means being connected to the burner means; and a cooking surface (D',d4) with a drain (D,d',d3) disposed above the heating means and having an angular disposition relative to the enclosure means for directing liquid matter from foods cooked on the grill apparatus to a drain (d3). The drain empties into a grease trap (E). Haffcke however does not show or disclose a cover and a fill level indicator, wherein the fill level indicator indicates an amount of liquid collected in the grease trap.

Lotter teaches, from the same grill apparatus field of endeavor as Haffcke, providing a grease trap (54) with a cover (56).

Strader et al teaches, from the same grill apparatus field of endeavor as Haffcke, providing a grease trap (42) with a fill level indicator (53).

In regard to claim 25, for the purpose of providing means to confine the grease within the trap, it would have been obvious to a person having ordinary skill in the art to place a cover thereon, in view of the teaching of Lotter. Also, for the purpose of providing means to indicate

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the level of grease collecting within the trap, it would have been obvious to a person having ordinary skill in the art to further modify the trap of Haffcke to include a grease level indicator, in view of the teaching of Stader et al.

**Allowable Subject Matter**

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

See the attached PTO FORM 892 for prior art made of record and not relied upon and which are considered pertinent to applicant's disclosure.

**USPTO CUSTOMER CONTACT INFORMATION**

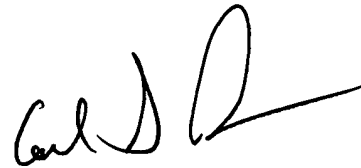
Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is 703-308-1953. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 703-308-0101. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1148/0858.

A handwritten signature in black ink, appearing to read 'Carl D. Price', with a long horizontal stroke extending to the right.

CARL D. PRICE  
Primary Examiner  
Art Unit 3743

cp  
October 14, 2003